

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

JAN 23 2019

David J. Bradley, Clerk

United States of America

v.

Jorge Armando MARTINEZ
(YOB: 1996, COB: U.S.)Case No. M-19-0145-MDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 22, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. § 1324(a)(1)(A)(ii)

8 U.S.C. § 1324(a)(1)(A)(v)(I)

Knowing or in reckless disregard of the fact that Luis ESPINAL-Osorto (COB: Honduras) and Isaik RAMOS-Silva (COB: Mexico), and five (5) others who were aliens, had come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; to wit: transportation by vehicle near Penitas, Texas.

This criminal complaint is based on these facts:

SEE "ATTACHMENT A"

✓ Continued on the attached sheet.

Approved
[Signature]

Sworn to before me and signed in my presence.

Date: 1/23/2019*8:25 am*City and state: McAllen, Texas*[Signature]*
Complainant's signature

Javier Fabela, HSI TFO

Printed name and title

[Signature]
Judge's signature

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Javier Fabela, am a Task Force Officer (TFO) assigned to the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On January 22, 2019, HSI TFOs conducted surveillance near the Walmart located in Penitas, Texas. While there, TFOs observed an orange, Chevrolet HHR being driven by Jorge Armando MARTINEZ drive into the Walmart parking lot. HSI TFOs assisted by U.S. Customs and Border Protection (CBP) Office of Air and Marine (Air) maintained surveillance of the HHR. At approximately 08:45 a.m. CBP Air called out over the Department radio that the HHR was driving away. CBP Air maintained visual surveillance of the HHR as it drove to an area located off Palm Avenue, where seven people were observed running to and boarding the HHR. The HHR then drove to Expressway 83 and began traveling east bound. CBP Air continued surveillance on the vehicle as it made its way to La Plaza Mall Shopping Center in McAllen, Texas.
2. The HHR drove around the mall parking lot as the surveillance teams drew near to the vehicle. U.S. Border Patrol marked units were called to the area to assist with a traffic stop on the vehicle. Upon arrival, the marked units followed the HHR as it drove into the parking garage. Marked units followed the HHR to the third (3) floor of the covered parking on the south side of the mall where agents observed the vehicle stop and the occupants attempted to abscond. The driver and occupants were taken into custody and transported to the McAllen Border Patrol Station for processing.
3. At the McAllen Border Patrol Station, the driver was identified as Jorge Armando MARTINEZ. MARTINEZ was read his Miranda Rights in his preferred language of English. MARTINEZ waived his rights in writing and agreed to speak to agents.
4. Post Miranda interview, MARTINEZ provided the following non-verbatim statement:

MARTINEZ stated that he was working for a human smuggler and had agreed to transport the undocumented aliens (UDAs) to an undisclosed location for \$150.00 USD per UDA. MARTINEZ admitted to working for the smuggler approximately two weeks.
5. At the McAllen Border Patrol Station, Luis Fernando ESPINAL-Osorto was read his Miranda Rights in his preferred language of Spanish. ESPINAL-Osorto waived his rights in writing and consented to speak with agents without an attorney present.
6. Post Miranda, ESPINAL-Osorto gave the following non-verbatim statement:

ESPINAL-Osorto said he is from Olancho, Honduras. ESPINAL-Osorto told agents that he was heading to Miami, Florida. ESPINAL-Osorto said he made arrangements to pay \$7,000.00 USD to be smuggled to Florida. ESPINAL-Osorto said he crossed the Rio Grande River on a raft around 6 a.m. ESPINAL-Osorto stated he crossed illegally with eight (8) subjects.

7. ESPINAL-Osorto positively identified MARTINEZ in a photo lineup as the driver and stated MARTINEZ was giving the group instructions once they were in the vehicle.
8. At the McAllen Border Patrol Station, Isaik RAMOS-Silva was read his Miranda Rights in his preferred language of Spanish. RAMOS-Silva waived his rights in writing and consented to speak with agents without an attorney present.
9. Post Miranda, RAMOS-Silva gave the following non-verbatim statement:

RAMOS-Silva stated that he had paid a human smuggler in Reynosa, Mexico a total of \$1,600.00 USD to be smuggled into the United States. He stated that he was smuggled with several other UDAs into the United States. RAMOS-Silva stated that while walking through the brush the group was being given instructions via cellular phone to the pickup location. RAMOS-Silva stated after being guided to the pick-up location he was assured by someone on the phone that a vehicle would drive up to their location and pick them up.

RAMOS-Silva stated that in the early daylight hours an orange HHR showed up to the location and parked momentarily. The driver then began yelling at the group to get into the vehicle. He stated that MARTINEZ told the UDAs where to sit and he sat behind the passenger side front seat. RAMOS-Silva told agents that the driver had several tattoos on his arms.

10. RAMOS-Silva was shown a photo lineup and identified Jorge Armando MARTINEZ as the driver of the vehicle who transported the group to the mall parking lot.